G. R. S. App. F. IX-4]

1943 - 44

W File No. [redacted] 45-43

Previous References.
W 185-42-165
W 153 42-384.

(War)

Serial Nos. 1 to 5

Later References.

5/12

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Five only.

Part B for August '43.

SUBJECT.

Delegation of powers under Rule 28 of Defence of India Rules to Commandant of Prisoners of War Camps.

MKrishnan
26.8.43.

Prisons of War Camps. Bangalore

Continuation Sheet. 143/P/W File No. Current No. 45 of 43-44 Page.

1. From. The Secy to the Govt of India
M.F. 23/43/W.d. 15th Jan 43 forwg Defence Cord.
Deptt Notification No. 1 of Circulating Statement
of Persons or order Directly to the Govt in
respect of the Bangalore Camps.

2) The Defence Co-ordination Deptt Notification
No. 1/18/9/42. and the Defence Deptt Note quoting
the previous one. Both dated 12th Dec. 42 have not been
received from Govt. Subject to the letter to the
Resident

RS 2. 23/7 Issued Pd. 185 dt 23rd Jan 43 to the Resident.

Forwarded to Resident.

No. 17-IP 3/5/43/IV dt 30-7-43

Forwarding copy of Defence Co-ordination Department notification No. 1/18/9/42 dt 18-7-43
the amended Defence Department notification No. 1/18/9/42 dt 12-12-42
the Delegation of powers under Rule

3) Govt. Note Sheet No. copy of which
forwarded copies of powers conferred under Rule 28 of
the Defence of India Rules are
being added to the Commandants
of the P.O.W. Camps and the Resident
Bangalore for the issue of a
similar order delegating
the powers under Rule 26
to the Camp Commandant of P.O.W.
Camps, Bangalore.

Rule 28 of the Defence of India Rules provides for issue of an order for regulating entry into & conduct of persons in P.O.W Camps. The purpose of delegation now proposed is to enable the Commandants of the respective camps to issue orders under Rule 28 in respect of that camp. A copy of the order proposed to be issued in this respect and a brief note is also submitted. The power of making [illegible] of the Government [illegible] Camp rests previously with Heads of Provinces, Administrators and, under rules (3) and (4) with Heads of any area delegated to the Commandants of P.O.W camps. Barring above, no orders had been issued by Govt. under Rule 28. Orders pl.

5/2/43.

P.O.W. camp, Baramulla — Delegation

Continuation Sheet. File No. Current No. of Page.

4) There seems to be no objection to delegate the power to the Commandant, P.O.W. Camp. The prosecutions will be dealt with by the Prosecutions

9/8/43

5) We may issue an Order similar to item No 1. as suggested by the Resd.

Min Edn
Tech-Secy Law

11/8/43

12-8-43

13/8

13/8/43

Send with a marginal endorsement for Resy.

14/8/43.

4 Issued No. 309/W dy 16.8.43 to the Compiler.
" Memo Nos. 310-11/W " " I.G.P. & D.M., Bloe
5 " Pol 364 dy 17.8.43 " Resy.

CHIEF SECRETARY. 10 AUG. 1943 GOVT. OF KASHMIR

OFFICE OF THE ADVISER Date 13.8.43. No. 802

13 AUG 1943

W 45-43-1

193
75

P.F.28-43/J.

From

The Secretary to the Hon'ble the Resident in Mysore.

To

The Chief Secretary to the Government of His Highness the Maharaja of Mysore, Bangalore.

War

Bangalore, 19th July 1943.

Prisoners of War Camps - Bangalore.

Sir,

I am directed to forward copies of the marginally noted papers.

1. Government of India (Defence Co-ordination Department) notification No.1485-OR/42, dated the 18th July 1942 as amended by (Defence Department) Notification No.1485-OR/2/42, dated the 12th December 1942.

2. G.H.Q. (A.G's Branch) letter to certain Group Commanders No.13888/P.W.2(b) dated the 2nd September 1942, with enclosures.

2. The orders and instructions contained in the papers referred to in paragraph 1 above do not apply to the P.O.W. Camps, Bangalore, which are situate in the Mysore State. I am to request that, if there is no objection, the Government of Mysore will be so good as to issue an order similar to that at item (1), in respect of the Bangalore Camps. This will enable the Group Commandant of the Bangalore Camps to frame a set of rules similar to those issued in British India /item (2)/.

3. I am to request that I may kindly be informed of the action taken by the Government of Mysore in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

MAP

O/C

Copy of letter No.13328/P.W.1(b), dated the 2nd September 1942 from G.H.Q. (Adjutant General's Branch), Simla to certain Group Commandants.

- - - - - - -

PROTECTED AREAS.

Reference this Headquarters letter No.13328/P.W.1(b), dated the 30th July 1942.

A copy of 'Draft Rules' on the subject cited above together with a note covering the necessary instruction is attached.

It is considered that the required rules should now be framed on the lines indicated in the draftrules, subject to such modifications as may be necessary to meet local requirements.

A copy of your rules, when prepared, should please be forwarded to this Headquarters.

- - - - - -

Copy of note covering the necessary instructions.

So far as possible, Regulations the breach of which might necessitate a prosecution, should be expressed as a clear prohibition against doing particular acts, or a clear requirement that certain acts must be done. Regulations which are more for the convenience or information of the public only require to be clear and informative.

It is advisable that the boundaries of Camps should be clearly indicated to members of the public. This is done in the definition clause at the beginning of the Regulations. How the boundaries will best be described will depend on local conditions. Care must be taken to include within the area to be defined as a 'Camp', all ground from which it is desired to exclude the General public. This may include ground which is not enclosed by any wire fences, etc., such as fields in which the prisoners may be working or exercising, etc. The draft Regulations are so framed that it will be an offence to enter such an area even though there is no fence around it. Public roads may have to be excluded.

We understand the authority for granting passes etc. will be the Group Commandant and not the Camp Commandants. The Regulations, however, permit the Group Commandant to delegate his authority to any other officer. Wide powers could therefore be delegated to Camp Commandants, if necessary. We have provided, however, that all applications for passes shall be made to the Group Commandant.

As these Regulations are for guidance of the members of the general public, we think they should deal in considerable detail with such matters as the gates by which Camps may be entered, the places where applications for passes may be made, the hours between which Camps may be entered and left, situation of gates, etc. We have concentrated on these matters rather than on such things as the handling of token money, etc. As to these, we have not sufficient knowledge of the actual procedure in the Camps to be able to frame Regulations. There may be many such matters on which additional Regulations will be necessary. At the same time, it must be borne in mind that under Rule 28(a) of the Defence of India Rules, Regulations of this type can only be made in reference to three subjects:-

(i) Access to Camps (ii) Conduct within Camps, and
(iii) Conveyance of articles.

All Regulations must, therefore, be reasonably attributable to one or other of these headings.

PRISONERS OF WAR CAMPS AT

Regulations to be observed by members of the public.

- - - - - -

NOTE. These Regulations are made under Rule 28(a) of the Defence of India Rules by , Commanding No. Group, Prisoners of War Camps, to whom power has been duly delegated by the Central Government under Section 2 of the Defence of India Act, 1939.

Definitions.

1. In these Regulations, the following expressions shall have the meaning here assigned to them:-

(a) A 'Camp' means the area contained within any one of the following groups of boundaries, whether the same have been demarcated in any way or not:

Boundaries (1
of Camp (2
No. at (3
..... (4

Boundaries

Boundaries (1
of Camp (2
No. at (3
..... (4

Boundaries (1
of Camp (2
No. at (3
..... (4

(b) 'Group Commandant' means the Commandant of No. Group Prisoners of War Camps.

(c) 'Forbidden Articles' means any articles specified in Regulation notified as forbidden articles.

(d) 'Permitted Articles' means any articles other than forbidden article

Access to Camps.

2. No person may enter a Camp without a pass.

3. No pass is valid unless signed by the Group Commandant, or an officer authorised by him. A pass may be cancelled at any time by the issuing authority or his superior.

4. Passes are General or Special. General passes will only be issued to persons whose work or duties require them to enter a Camp frequently within a period. All other persons must have special passes. The holder of a General pass may introduce into a Camp workmen required for any work which he is doing. Such workmen need not have passes, but they must be escorted into and out of the camp by a person holding a pass; and lists of such workmen must furnished to the Camp Commandant, and every workman must carry a card or other means of identifying him with such lists.

5. Passes may be applied for by letter or in person. Personal applications must be made at the office of the Group Commandant at ---------- between the hours of 10 a.m. and 12 noon and 2 p.m. and 4 p.m. daily except Sundays. Written applications must be addressed to the Group Commandant at the same place.

Applicants will be furnished with a form on which they will be required to enter their full names, addresses, and the purpose for which the pass is required.

Applicants will be informed when they should call for their pass. Passes will not be sent to applicants.

6. All holders of Special passes whether on foot or in vehicles must enter and leave the Camps by the main gates as under:-

Camp	Situation of Main Gate.
No. Camp at	
No. Camp at	
No. Camp at	

Holders of General passes issued for the purpose of carrying out work or duties in a Camp may enter or leave such Camp by any convenient gate unless orders to the contrary are issued by the Camp Commandant. No person whatsoever may enter a Camp under any circumstances except through a gate. No vehicles may enter a Camp unless it is in charge of a person holding a pass

Conduct within a Camp

7. No person may hold any communication by words, signs or writing with any prisoner of war except with the permission of the Group Commandant, or an officer authorised by him, and all verbal communication must take place in the presence of a British member of the Camp staff.

8. The doing of anything, or the attempt to do anything calculated to assist a prisoner of war in committing a breach of any regulation governing prisoners of war, is strictly forbidden.

9. All persons must produce their passes on demand to sentries or member of the Provost Staff, or to officers. Persons not in possession of passes must be prepared to explain their presence in a Camp and, if necessary, proceed to the Headquarters of the Camp Commandant in order to do so, but their compliance will not excuse their presence, if unauthorised.

10. Persons engaged on work or duties within a Camp must confine themsel to that part of the Camp where their work requires to be performed. All persons in charge of workmen within a Camp will be personally respponsible for their good behaviour.

11. No person may enter a Camp before a.m. or remain in a Camp after p.m. without special permission from the Camp Commandant.

An

person, whether holding a pass or not, must leave a Camp on being required by an officer to do so.

12. Conveyance of Articles to and from Prisoners of War.

The despatch or conveyance to prisoners of war, or the receipt from prisoners of war for despatch or for any other purpose, of the following articles is forbidden:-

(a) Indian currency. (b) Arms, ammunition, explosives and weapons or articles that can be used as a weapon. (c) Wireless apparatus or components thereof. ~~(c) Wireless apparatus or components thereof.~~ (d) Petrol.

13. Permitted articles may be despatched or conveyed to prisoners of war, or received from prisoners of war for despatch or for any other purpose, with the written permission of the Group Commandant or an officer authorised by him, but not otherwise.

Particulars of all permitted articles dealt with in any of the ways mentioned above, must be furnished to the Commandant of the Camp in such manner as may be directed from time to time, provided that these requirements shall not apply to a contractor authorised to operate a Canteen or shop within a Camp in respect of articles sold by him on the premises of such canteen or shop in the ordinary course of business.

Any person undertaking any duties or work within a Camp which require the services of workmen, will be required to obtain from such workmen their consent to submit to personal search on entering and leaving a Camp, should the Camp authorities so require.

14. Penalties.

The attention of members of the public is drawn to Defence of India Rule 28(4), which is as follows:-

If any person contravenes any order made under the provisions of this Rule, he shall be punishable with imprisonment for a term which may extend to 5 years, or with fine or with both'.

- - - - - -

NPol.185 W 45-43-2.

GENERAL AND REVENUE SECRETARIAT,

Bangalore, 23rd July 1943.

From

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Secretary to the Hon'ble the Resident in Mysore, Bangalore.

Sir,

Prisoners of War Camps - Bangalore

With reference to your letter No.F.23-43/W. on the above subject I am directed to state that the Government of India Defence Co-ordination Department, Notification dated the 18th July 1942, as amended by Defence Department Notification dated 12th December 1942, have not been received in this office as stated in your above letter. I am to request you kindly to send the same very early for reference.

I have the honour to be
Sir,
Your most obedient servant,

For Chief Secretary to Government.

W45-43-3.

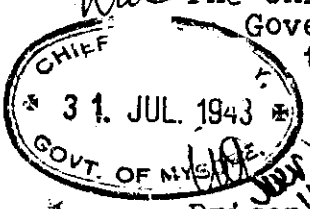
No.F.23-43/W. Ga. I. 281

From

The Secretary to the Hon'ble the Resident in Mysore.

To

War The Chief Secretary to the Government of His Highness the Maharaja of Mysore, Bangalore.



Bangalore, 30th July 1943.

Prisoners of War Camps - Bangalore.

- - - - -

Sir,

With reference to your letter No.Pol.185/War, dated the 23rd July 1943, I am directed to forward a copy of the Government of India (Defence Co-ordination Department) notification No.1485-OR/42, dated the 18th July 1942 as amended by (Defence Department) notification No.1485-OR/2/42, dated the 12th December 1942.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT

MAP

GOVERNMENT OF INDIA.
DEFENCE CO-ORDINATION DEPARTMENT.
NOTIFICATIONS.
New Delhi, the 18th July 1942.

No.1485-OR/42.- In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), and in supersession of the notifications of the Government of India in the Defence Co-ordination Department No.661-OR/41, dated the 8th March, 1941 and No.1115-OR/41, dated the 6th December, 1941, the Central Government is pleased to direct that the powers conferred on it by rule 28 of the Defence of India Rules, shall, in respect of the prisoners of war camps set out in the Schedule hereto annexed be exercisable also by the Commandants of the Prisoners of War Camps set out in the said Schedule.

Schedule.

Group 1, Prisoners of War Camps, Bangalore.
Group 3, Prisoners of War Camps, Ramgarh Cantonment.
Group 4, Prisoners of War Camps, Clement Town Cantonment.
Group 5; Prisoners of War Camps, Yol Cantonment.
General Officers' Prisoners of War Camp, Premnagar, Dehra Dur Cantonment.

A. DeC. Williams,
Secretary to the Govt. of India.

GOVERNMENT OF INDIA.
DEFENCE DEPARTMENT.
New Delhi, the 12th December 1942.

No.1485-OR/2/42.- In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the late Defence Coordination Department, No.1485-OR/42, dated the 18th July 1942, namely:

In the Schedule annexed to the said notification the entry "Group 1, Prisoners of War Camps, Bangalore", shall be omitted.

C.MacI.G.OGILVIE,
Secretary to the Government of India.

/copy/

~~D.O.~~

GENERAL AND REVENUE SECRETARIAT,

Dated Bangalore,.....16.....
16th August 1943.

No. 309/W
W45-43-4.

NOTIFICATION.

In exercise of the powers conferred by Sub-section(4) of Section 2 of the Defence of India Act 1939 (XXXV of 1939) as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the powers conferred ~~on it~~ by Rule 28 of the Defence of India Rules, in force in Mysore, shall, in respect of the Prisoners of War Camps, Bangalore, be exercisable also by the Commandants of the said Camps.

By Order,

Chief Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in the Gazette,

Memo No 310-311/W dated 16th Aug 1943
Copy to D.G.P.
& D.C. Bangalore

W45-43-5.

Pol. 364/Gen 1

GENERAL AND REVENUE SECRETARIAT,

Bangalore, 17th Aug. 1943.

From

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore.

To

The Secretary to the Hon'ble
the Resident in Mysore,
Bangalore.

Sir,

Prisoners of War Camps -
Bangalore.

With reference to your letter No.F.23-43/W. dated the 19th July 1943 on the above subject I am directed to forward herewith copy of the notification issued in the matter, delegating powers under Rule 28 of the Defence of India Rules, in force in Mysore, ~~the~~ to the Commandants of the Prisoners of War Camps, Bangalore.

I have the honour to be
Sir,
Your most obedient servant,

For Chief Secretary to Government.